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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/252,989	02/19/1999	STEFAN ERIKSSON	040000-495	5106

27045 7590 05/13/2004

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR C11
PLANO, TX 75024

EXAMINER

BURD, KEVIN MICHAEL

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 05/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/252,989

Applicant(s)

ERIKSSON ET AL.

Examiner

Kevin M Burd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6, 8, 9, 12, 13 and 15-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6, 8, 9, 12, 13 and 15-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This office action, in response to the request for continued examination and the amendment filed on 2/20/2004, is a non-final office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/20/2004 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 2-4, 6, 8, 9, 12, 13; 15-34 have been considered but are moot in view of the new grounds of rejection. The new rejection is found below. New claim 35 is also addressed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2-4, 6, 8, 9, 12, 13 and 15-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Minko (US 5,963,551).

Regarding claims 9, 12, 20, 22-25, 28-31, 33 and 35, Minko discloses a method of transmitting information between a transmitter and a receiver. Data is encoded and sent to a receiver using an initial encoding scheme (column 6, lines 10-15). The data will be transmitted using this initial encoding scheme. The receiver receives the sent information and determines if packets have been lost (column 7, lines 4-19). A lost packet index is stored in a memory buffer and is updated to include any new lost packets (column 7, lines 20-25). Figure 4 discloses the process for initiating the packet recovery process (column 8, lines 58-62). The receiver sends recovery information to the sender (figure 4 and column 9, lines 2-4). From this information, the sender is able to select the compression algorithm best suited for packet recovery. The compression method can be adjusted to give the best fidelity that can be used at the current connection speed (column 9, lines 2-10). The sender sets up encoder parameters and begins retransmitting the lost packets to cause the data to be recovered (figure 4 and column 9, lines 18-23). The sender also receives a return index from the receiver to recognize that packets have been lost and to enable the sending of backup packets (column 3, lines 23-28).

Regarding claims 2, 6, 13 and 32, the signal quality of the transmission and channel is measure to determine the change in the compression scheme (column 7, lines 27-50).

Regarding claims 3, 4, 8 and 15-21, Minko discloses a method of transmitting information between a transmitter and a receiver. Data is encoded and sent to a receiver using an initial encoding scheme (column 6, lines 10-15). The data will be transmitted using this initial encoding scheme. The receiver receives the sent information and determines if packets have been lost (column 7, lines 4-19). A lost packet index is stored in a memory buffer and is updated to include any new lost packets (column 7, lines 20-25). Figure 4 discloses the process for initiating the packet recovery process (column 8, lines 58-62). The receiver sends recovery information to the sender (figure 4 and column 9, lines 2-4). From this information, the sender is able to select the compression algorithm best suited for packet recovery. The compression method can be adjusted to give the best fidelity that can be used at the current connection speed (column 9, lines 2-10). The sender sets up encoder parameters and beings retransmitting the lost packets to cause the data to be recovered (figure 4 and column 9, lines 18-23). The sender also receives a return index from the receiver to recognize that packets have been lost and to enable the sending of backup packets (column 3, lines 23-28). Minko further discloses a recycle buffer queue that stores the received packets and allows for the determination of which packets have been lost and are unable to be decoded (column 7, lines 4-19 and column 9, lines 21-27). The recycle buffer queue size must be large enough to allow packets that have already been sent to

be kept until a need for their retransmission has been determined (column 9, lines 23-27). The receive queue is prepared to receive the retransmitted packets (column 9, lines 42-50).

Regarding claims 21, 26, 27 and 34, Minko further discloses a recycle buffer queue that stores the received packets and allows for the determination of which packets have been lost and are unable to be decoded (column 7, lines 4-19 and column 9, lines 21-27). The recycle buffer queue size must be large enough to allow packets that have already been sent to be kept until a need for their retransmission has been determined (column 9, lines 23-27). The receive queue is prepared to receive the retransmitted packets (column 9, lines 42-50).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Martinez et al (US 6,009,553) discloses a method of retransmission where the receiver informs the transmitter that retransmission must take place, what information is to be retransmitted and that a new encoding scheme is needed (abstract, column 9, line 33 to column 10, line 6 and claim 1).

Contact Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

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(703) 872-9314, (for formal communications intended for entry or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 6:00 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd
PATENT EXAMINER
5/12/2004